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Docket No. \_\_\_\_\_UNITED STATES  
DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.  
I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OXYGEN PROBE

the specification of which  
(check one)

☒ is attached hereto  
☐ was filed on 8 FEBRUARY 2002  
 Application Serial No. 10/072,627 as  
 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment referred to above.  
 I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).  
 I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Claimed			Priority	
<u>P 9901836</u> (Number)	<u>SPAIN</u> (Country)	<u>10/08/99</u> (Day/Month/Year Filed)	Yes	No
			X	
<u></u> (Number)	<u></u> (Country)	<u></u> (Day/Month/Year Filed)	Yes	No
<u></u> (Number)	<u></u> (Country)	<u></u> (Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material referenced as defined in Title 37, Code of Federal Regulations §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/US00/00309</u> (Application Serial No.)	<u>4 AUGUST 2000</u> (Filing Date)	<u>PENDING</u> (Status-patented, pending, abandoned)
<u></u> (Application Serial No.)	<u></u> (Filing Date)	<u></u> (Status-patented, pending, abandoned)

I hereby appoint as my attorney and agent Aaron B. Karas, Reg. No. 18,923; Satason Melfgott, Reg. No. 22,872; Leonard Cooper, Reg. No. 27,625; Emma Shleifer, Reg. No. 29,734; Linda S. Chan, Reg. No. 42,400; Morris A. Wolin, Reg. No. 39,432; Michael Markowitz, Reg. No. 30,659; and Brian Myers Reg. No. 46,947, Shahan Islam Reg. No. 52,507 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to:

**ROSENMAN & COLIN LLP**  
 575 Madison Avenue  
 New York, New York 10022-1585  
 Telephone No.: (212) 260-8500

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## ASSIGNMENT

Docket No. \_\_\_\_\_

WHEREAS, the below named inventor, ASSIGNOR, has made a certain new and useful invention in: OXYGEN PROBE  
for which \_\_\_\_\_

(check one) ☐ an application is being filed concurrently herewith,

☐ an application for a Patent of the United States was filed on \_\_\_\_\_  
and given Application Serial No. \_\_\_\_\_

and WHEREAS, UNIÓN FENOSA GENERACIÓN, S.A.

having a place of business at Avenida San Luis, 77 - 28033 MADRID - SPAIN

is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application. **ASSIGNEE**

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said ASSIGNOR has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventor's certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

ASSIGNOR authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument; and

ASSIGNOR covenants and agrees that he has full right to convey the entire interest herein assigned, and has not executed, and will not execute, any agreement in conflict herewith; and

ASSIGNOR further covenants and agrees that he will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

Full name of sole or first inventor BUENO HARTO, José Manuel

Inventor's Signature [Signature] Date May 3<sup>rd</sup>, 2002  
Residence C/Francisco Largo Caballero, 44, Portal 1, Bajo B, Urb. Valde lasfuentes, 28100 - Alcobendas  
MADRID - SPAIN Citizenship SPAIN  
Post Office Address C/Francisco Largo Caballero, 44, Portal 1, Bajo B, Urb. Valde lasfuentes, 28100 - Alcobendas  
MADRID - SPAIN

Full name of second joint inventor, if any PEROSANZ LOPEZ, Francisco Javier

Second Inventor's Signature [Signature] Date May 3<sup>rd</sup>, 2002  
Residence C/Hilados, 5, 1<sup>o</sup> A, Torrejón de Ardoz - 28850 MADRID - SPAIN Citizenship SPAIN  
Post Office Address C/Hilados, 5, 1<sup>o</sup> A, Torrejón de Ardoz, - 28850 MADRID - SPAIN

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